

Simpson Thacher & Bartlett LLP

425 LEXINGTON AVENUE
NEW YORK, NY 10017-3954

TELEPHONE: +1-212-455-2000
FACSIMILE: +1-212-455-2502

Direct Dial Number

+1-212-455-3539

E-mail Address

jyoungwood@stblaw.com

March 13, 2023

Re: *United States v. Connolly*, 1:16-cr-00370-CM;
Connolly v. Deutsche Bank AG, 1:22-cv-09811-JMF

Hon. Colleen McMahon
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

Hon. Jesse M. Furman
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10017

Dear Judges McMahon & Furman:

I write on behalf of Deutsche Bank AG (“Deutsche Bank”), the defendant in the pending civil action before Judge Furman brought by Matthew Connolly, captioned *Connolly v. Deutsche Bank AG*, 1:22-cv-09811-JMF (S.D.N.Y.). Mr. Connolly has petitioned Judge McMahon pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i) for authorization to use grand jury materials from his criminal case, captioned *United States v. Connolly*, 1:16-cr-00370-CM (S.D.N.Y.), in his aforementioned civil case against Deutsche Bank, including in his complaint. *See United States v. Connolly*, 1:16-cr-00370-CM (Dkt. 488). While Deutsche Bank takes no position as to whether his petition should be granted, it respectfully requests that, if Mr. Connolly is permitted to use grand jury materials from his criminal case in his civil action and complaint, Deutsche Bank be provided those same materials for use in that case as well, including in moving to dismiss the complaint. *See, e.g., Kerns v. Bd. of Comm’rs*, 2008 WL 6045640 (D.N.M. Nov. 6, 2008) (permitting disclosure of grand jury transcript to both parties to a malicious prosecution suit); *United States v. Lewis*, 2010 WL 552154 (D.S.D. Feb. 15, 2010) (permitting the government to use grand jury transcripts to consider and potentially defend against a malicious prosecution claim); *Gomez v. Wells Fargo Bank, N.A.*, 2014 U.S. Dist. LEXIS 196611 (S.D. Fla. Mar. 5, 2014) (permitting disclosure of grand jury materials in answer to a civil complaint asserting, *inter alia*, a claim for malicious prosecution).

Hon. Colleen McMahon

Hon. Jesse M. Furman

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We are happy to discuss further to the extent helpful.

Respectfully,

/s/ Jonathan K. Youngwood

Jonathan K. Youngwood